

Court Reporting in North Carolina Courts

*PRESENTED BY
NC ASSOCIATION OF OFFICIAL COURT
REPORTERS*

- ▶ To access the realtime feed, please:
- ▶ Go to <https://connect.eclipsecat.com/>
- ▶ Click on yellow lightening bolt
- ▶ Scroll for or type in this file name:
BR-AOCR Courts Commission 2015 – 0120
- ▶ Password: verbatim
- ▶ Click on green check mark
- ▶ Follow along by clicking the down-facing arrow

What does
“for the record”
mean?

Court Reporter Job Description

- Independent Sworn Officers of the Court
- Serve all parties, and have no interest in the outcome of the proceedings
- Trained professionals, certified to capture verbatim the spoken word; upon request, transcribe the proceedings; and deliver transcripts under statutory deadlines
- Perform administrative and litigation support
- Collect and store reporting records
- Pay for, maintain, and supply -- at no cost to the State -- court reporting equipment, computers, tech support, continuing education, higher certification, and taxes on income generated from transcripts



“If you build it, they will come!”

AOCR’s goal is to heal and improve the court reporting program in NC.

- Rebuild state-of-the-art court reporting program to ensure all citizens are given equal access to accurate, certified, impartial court reporting services.
- Offer competitive compensation to retain and attract high-caliber professional Official Court Reporters
- Avoid wasting taxpayer money (possible retrials and incompetent transcripts) resulting from inferior methods of capturing the record



DIGITAL RECORDING MALFUNCTIONS ACROSS THE NATION

KENTUCKY 2010 - PROBLEMS WITH JEFFERSON CIRCUIT COURT'S DIGITAL AUDIO EQUIPMENT⁷

"In Judge McDonald-Burkman's courtroom, the audio went unrecorded for more than two weeks in May without anyone knowing."

"In Judge Charles Cunningham's courtroom, about a month of proceedings were recorded without audio last fall, and is being cited as grounds for an appeal of a jury conviction in an assault and unlawful imprisonment trial."

"Judge Susan Schultz Gibson declared a mistrial in a 2008 robbery case when she learned the audio of the testimony had not been recorded."

"Judge James Shake said he faced a possible retrial after an entire criminal trial was lost in the last year."

"Judge Audra Eckerle said she has a capital murder case that stalled and could have ended in a mistrial because of the difficulties in replaying testimony for jurors. It's a huge problem. It should be easier to use, but it's not."

HOW IS KENTUCKY HANDLING THE PROBLEM?

"An AOC [Administrative Office of the Court] spokeswoman said in an e-mail that JAVS [Jefferson Audio Visual Systems] has provided a proposal to UPGRADE THE SYSTEM in Jefferson County to its current version at a cost of about \$1.1 MILLION, which would include a backup recorder in each courtroom."

⁷ Riley, Jason, *Courier-Journal*, "Court Video Failures Cause Trials, Hearings to be Lost," September 2010

COLORADO 2010 – COURT RECORDINGS MISSING FROM HUNDREDS OF TRIALS

Cherry Creek Springs' Homeowners Association, when filing an appeal, learned a transcript of their trial could not be produced. For the Record [FTR], the digital recording system, did not record any of the proceedings.

The District Court Administrator, Vicki Villalobos, reports as follows:

"There is no record of audio from any proceeding heard in front of Judge Kane from September 19, 2008 through October 10, 2008..."

"if any transcript is requested from that time period, one cannot be provided..."

"if any cases are appealed, the courts will have to find some way to reconstruct the trial piece by piece."⁸

VIRGINIA 2011 - RECORDINGS FROM VIRGINIA TECH SHOOTER'S CIVIL COMMITMENT FOUND, BUT ARE INAUDIBLE

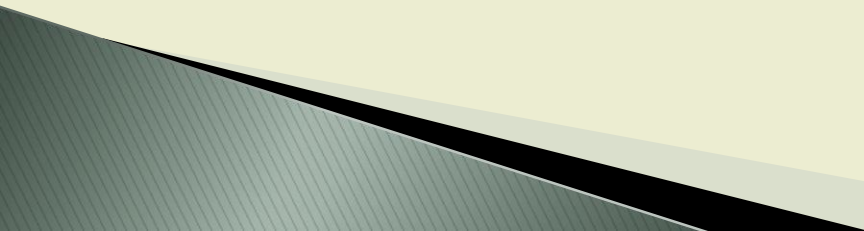
Attorneys request digital recordings and find officials scrambling to locate the tapes; it was believed the tapes had been destroyed in 2009, after the three-year state mandate to keep them had expired.

When located, "Hall said [the defendant's] voice is inaudible on the tape and that he is searching for a company that could enhance the sound quality to retrieve [the defendant's] responses to a special magistrate's questions."⁹

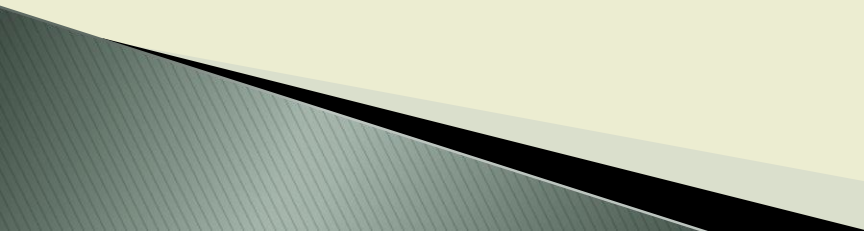
⁸ Welte, Rachel, www.coloradoconnection.com/news, "Court Recordings Missing from Hundreds of Trials," February 2010

⁹ www.washingtonpost.com, "Audio of Va. Tech Shooter Commitment Hearing Found" by *The Associated Press*, June 2011

Method of Preserving Record

- Adequacy vs. Accuracy
 - Verbatim and completely impartial
 - NCRA Cost Comparison Report
 - Equipment supply, support & maintenance
 - Storage and security of data
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COMPENSATION ISSUES

- Salary + Transcripts
 - Court reporters pay for work-related expenses and pay for and own their court reporting equipment
 - Most states in the country use the same or very similar time-tested method of compensation
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Southeastern States Compensation

<u>State</u>	<u>Average Salary</u>	<u>Page Rate</u>
GA	47,000	\$3.78 pp
TN	39,000	\$3.50 pp
SC	47,000	\$3.25 pp
*NC	50,000	\$1.25 pp
VA	contract	market
KY	DAR	no transcript

*NC OCR's average longevity = 20+ years
Realtime certified = 17% of workforce

COURT REPORTER EXPENSES

- Hardware and software for court reporting systems' initial cost and ongoing costs, maintenance, tech support, licenses, backup systems, microphones, storage and carrying cases
- Laptops, computers, recorders, printers, office machines, office supplies, internet services, phones, utilities, online subscriptions and programs, taxes, continuing education, and association conventions and dues
- Support staff to aid in production – proofreaders, notereaders, scopists, typists

Court Reporting Resources

- Market trends (5,500 new reporters expected over next 5 years)
- Current staff has average 22 years' experience, among 90+ Official Court Reporters
- Realtime IS state-of-the-art technology nationwide, offering rough drafts, captioning, CART, instant transcription, and compliance with ADA

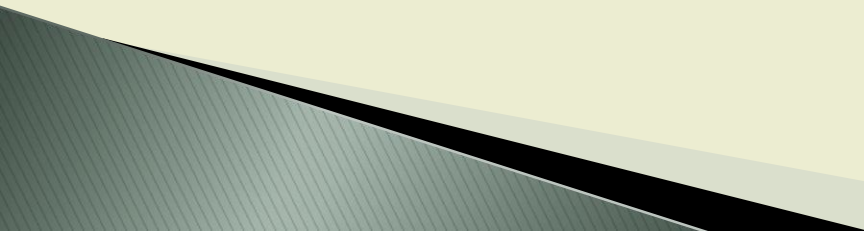
Which way are we going?

Realtime is Progressive

Instantaneous transcript in rough form

DAR is Regressive

Start from “square one” with multiple people involved to produce a transcript



We're not going away. We're getting stronger.

5,500 New Court Reporter Jobs Projected Across U.S.

September 8, 2014

[Washington, D.C.] - According to an independent study conducted by Ducker Worldwide (Ducker), one of the nation's leading marketplace analyst firms, demand for court reporters will exceed supply within five years, yielding a nationwide shortage. By 2018, there will be 5,500 new court reporter jobs available in the U.S. with the greatest demand occurring in: California, Texas, Illinois and New York, according to the 2013-14 Court Reporting Industry Outlook Report.